SSA has simplified the waiver process for some overpayments during the pandemic

Introduction

The Social Security Administration (“SSA”) has made it easier for people to ask it to waive (forgive) some overpayments of benefits you received between March 1, 2020 and September 30, 2020 (the pandemic period). SSA came up with this simplified waiver process because many overpayments during this period were due to the pandemic and not the fault of the people getting benefits.

Should I read this?

Yes, if

- you get Social Security disability (SSDI) or Supplemental Security Income (SSI) benefits, and

- SSA sends you notice that you were overpaid benefits between March 1, 2020 and September 30, 2020; and

- SSA discovers the overpayment and takes action to collect it by December 31, 2020.

I received a notice from SSA that I was overpaid benefits between March 1, 2020 and September 30, 2020. What does this mean for me?

If the overpayment was not your fault, you can request a waiver under the simplified process. If SSA grants the waiver, you will not have to pay back the benefits you were overpaid.
How is the simplified waiver process different from the normal waiver process for SSA overpayments?

The simplified waiver process is different in 2 ways:

1. You can request the waiver verbally by calling your local SSA office. The phone number for your local SSA office should be on the overpayment notice (or use the office locator tool here: secure.ssa.gov/ICON/main.jsp); and

2. You don’t have to prove all the things you normally have to prove to get a waiver. SSA will presume that the overpayment was not your fault, unless SSA has some evidence showing you were at fault. SSA will also presume that recovering the overpaid benefits from you would defeat the purpose of the benefit program or be against equity and good conscience. Normally you would have to show these things yourself.

Will the SSA automatically waive an overpayment of benefits I received during the pandemic period without me having to do anything?

No. You must ask the SSA to waive the overpayment.

The overpayment was my fault. but it happened during the pandemic period. Can I get a waiver anyway?

Normally you cannot get a waiver if you were at fault in causing the overpayment. If you are not sure whether you were at fault, talk to a legal aid attorney. (See contact info below.)

My overpayment started before March 1, 2020 or ended after September 30, 2020. What should I do?

You should still ask for a waiver. The portion of the overpayment that happened between March 1 and September 30 qualifies for the simplified waiver process.

You can ask SSA to waive the part of the overpayment that happened before March 1 or after September 30 by submitting the form usually used for waiver requests.
can ask your local SSA office to send you the form or you can download it here: www.ssa.gov/forms/ssa-632.html.

To learn more about how to request a waiver of overpayments outside the pandemic period, read Fighting an SSI or SSDI Overpayment Notice, available at www.WashingtonLawHelp.org.

Get Legal Help

Outside King County, call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm.

In King County, call 2-1-1 weekdays between 8:00 am - 6:00 pm. They will refer you to a legal aid provider.

Seniors (age 60 and over) can also call CLEAR*Sr at 1-888-387-7111, statewide.

You can also apply online with CLEAR*Online: nwjustice.org/get-legal-help.

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